UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,174	02/28/2002	Frances Jiang	29250-000571/US	4800

30594	7590	07/05/2006

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EXAMINER
JOO, JOSHUA

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action *Before the Filing of an Appeal Brief*	Application No.	Applicant(s)
	10/084,174	JIANG ET AL.
	Examiner	Art Unit	
	Joshua Joo	2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _1-18_.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☒ Other: <u>See Continuation Sheet</u>.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 3

Continuation of 13. Other:

Applicant requested an indication to the acceptability of the formal drawings filed on April 25, 2002. In response, the drawings filed on April 25, 2002 are accepted by the Examiner.

Applicant's arguments filed 6/7/2006 have been fully considered but they are not persuasive. Applicant argued that:

(1) Lager and Tiedemann do not teach "receiving, at an access network, an access request and a token from an access terminal, the token including at least one bit associated with a parameter group type, the bit indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type" and sending/receiving information "without negotiating parameters for the associated group type..."

In response, Lager discloses of receiving an access request associated with a parameter group type and indicating whether the access terminal is operating according to a default parameter group for the associated group type in "receiving the network indication parameter NIP indicating the predetermined packet data communication network from the (first) terminal station..." wherein "an access means for providing an access to one of said connected packet data communication networks PDN1, PDN2, and IN." (Col 12, lines 51-60).

Lager further teaches "A subscription memory means HLR e.g. provided in the home location register HLR stores subscription parameters SP indicating a subscription of the terminal station GPRS-MS to predetermined ones of said packet data communication networks.", and "providing an access to the desired switching device PDN-SW of the respective packet data communication networ, when said received network indication parameter NIP from the terminal station GPRS-MS matches one of the subscription parameters SP in said subscription memory means HLR." (Col 12, line 66 - Col 13, line 6).

The mobile station's NIP indicating a network is predetermined, and the switch device stores SP for the mobile station indicating the predetermined one of the networks. When the NIP provided by the mobile station matches the SP, the mobile station is granted access to the network. Therefore, there is no negotiation involved as communication is established using predetermined, i.e. default, parameters.

As presented in the Final Rejection, Lager does not explicitly teach of using a token including at least one bit for associating the parameter group type, the bit indicating whether the access terminal is operating according to a default parameter group for the associated group type. In other words, Lager does not teach of using a token at least one bit for indicating the NIP, the bit indicating whether mobile station operated according to an specific network, e.g. PDN1, PDN2, or IN.

Tiedemann teaches the concept of using one bit in a message to indicate network parameter. Tiedemann teaches that "the Extended System Parameters Message has a one-bit flag that indicates whether an Access Probe Handoff is permitted..." (Col 5, lines 1-6). It would have been obvious to combine the teachings of Lager and Tiedemann to use one-bit to indicate the mobile station's predetermined network because it would provide an explicit method notifying and informing the mobile node's NIP to the switch device.

(2) The network indication parameter NIP does not provide any indication as to whether the terminal station GPRS-MS is operating according to a default parameter group, but merely instructs the switching device PLMN-SW with which packet data network to connection. NIP does not provide any indication as to the communication protocols involved in the communication between the terminal station GPRS-MS and the ISP.

In response, firstly, independent claim 1 does not disclose any limitation of "communication protocols" or even less a "protocol" as argued by the Applicant. Secondly, the NIP indicates a predetermined network, where the networks are PDN1, PDN2, and IN. On column 11, lines 19-23, Davis teaches an Internet IN, a corporate network PDN2 (e.g. an Intra-Network such as ERINET), and a X.25 PDN network PDN1. A X.25 is an International Telecommunciation Union-Telecommunication Standardization Sector (ITU-T) protocol, a protocol for packet switch telephone networks. The Internet is based on the TCP/IP protocol. PDN2 is an intra network. Therefore, by indicating a network, e.g. PDN1, PDN2, IN, wherein the networks are different from each other and based on different protocols, the NIP is indicating a specific protocol.

(3) Dunn and Tiedemann do not teach "receiving, at an access network, an access request and a token from an access terminal, the token including at least one bit associated with a parameter group type, the bit indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type" and sending/receiving information "without negotiating parameters for the associated group type..."

In response, Dunn teaches of transmitting a default connection request to the Central Selection Agency (CSA), wherein the CSA stores a user profile and uses the stored information to establish connection, in "a user decides to place a call and enters the connection requirements if they are different from the default connection requirements... the CSA selects a network and base station for the connection based on traffic preferences, costs, etc... described in the user profiles stored in the database 37." (Col 8, lines 13-17, 26-29).

Therefore, the user and the CSA do not negotiate parameters as the user sends a default connection request and operates on the default parameters.

As presented in the Final Rejection, Dunn does not explicitly teach of using a token including at least one bit for associating the parameter group type, the bit indicating whether the access terminal is operating according to a default parameter group for the associated group type.   In other words, Dunn does not teach of using a token at least one bit for indicating if the user operated according to a specific price, bandwidth, traffic preferences, etc...

Tiedemann teaches the concept of using one bit in a message to indicate network parameter. Tiedemann teaches that "the Extended System Parameters Message has a one-bit flag that indicates whether an Access Probe Handoff is permitted..." It would have been obvious to combine the teachings of Dunn and Tiedemann to use one-bit to indicate the default connection request for traffic preferences because it would provide an explicit method notifying and informing the CSA of the default connection requirements for traffic preferences, costs, etc...